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EXAMINER

ENATSKY, AARON L

ART UNIT PAPER NUMBER

3713

DATE MAILED: 12/22/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/927,901

Applicant(s)

LEMAY ET AL.

Examiner

Aaron L Enatsky

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-45 and 91-101 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 and 91-101 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10. 6) ☐ Other:

Art Unit: 3713

## **DETAILED ACTION**

### ***Response to Amendment***

Examiner acknowledges receipt of amendment on 9/16/03. The arguments set forth in the response are addressed herein below. Rejections based upon this prior art are contained herein below. Furthermore, the prior art rejections of record are being maintained for the reasons set forth in the response to argument section herein. Claims 1-45 and 91-101 remain pending, and claims 46-90 and 102-127 are cancelled.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 17-18, 20-21, 25-26, 31-43, 45, 91-92, 94-98, and 100 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 4,856,787 to Itkis in view of US Patent No. 5,745,109 to Nakano et al. ("Nakano"). In regard to claims 1, 32-35, 91-92, 94, 98, 100, Itkis teaches a game system for playing one or more games of chances at the same time (Abstract). The Itkis system has a master gaming controller, the ability to receive a wager for one or more games of chance, and determines the outcome for each of the one or more games of chance

Art Unit: 3713

(1:40-2:27). Although Itkis teaches multiple displayed 2-D games of chance, Itkis does not teach rendering the 2-D games from a 3-D object in a 3-D game environment. Nakano teaches rendering one or more 2-D images derived from a 3-D object in a 3-D environment on a computer (Figs.4A-14B). Nakano teaches this 3-D interface method for the purpose of allowing more information to be displayed on a screen at one time, whereas previous 2-D interfaces become quickly cluttered and difficult to visualize all available content (1:30-2:16). Nakano also teaches the system as applicable to any computer related activity including a gaming environment (Fig. 6A). One would be motivated to modify Itkis to use a 3-D interface for displaying multiple games and other selections so that a user selection maybe increased without having any detrimental effect to a user's visual perception, thus allowing more viewing content displayed at any one time. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Itkis with the 3-D interface taught by Nakano to increase available game display space.

In regard to claims 2-3, Itkis in view of Nakano teaches the ability to display one or more programs or applications in 2-D form, where it would have been obvious to display one or more games in the 2-D windows (Figs 4A-14B).

In regard to claim 4, Nakano teaches rendering gaming machine maintenance operation in a 3-D environment, capturing the images on two or more 2-D images (Figs. 13-14).

In regard to claim 5, Nakano teaches the gaming machine with maintenance operation, but does not teach the specific operation message of replacing printing media in printer. However, operation messages such as replacing printing media, low ink, out of coins, etc. are well known status messages provided to users of a computing system.

Art Unit: 3713

In regard to claims 6-7, Nakano teaches rendering machine operational features in one of the 2-D images (Fig. 9) where the operation feature taught by Nakano is pressing an input button on the gaming machine.

In regard to claims 17-18, Itkis in view of Nakano teaches the limitations as discussed above, but do not teach rendering portions of the display image on a first and second display device. However, it is notoriously well known in the computing arts to use dual display video output devices so that more information can be presented to a user.

In regard to claim 20-21, Itkis in view of Nakano teaches displaying multiple images related to at least a first game environment and a second game environment on a single game machine, which would have been derived from the 3-D environment (Itkis, Fig. 4).

In regard to claim 25, Itkis in view of Nakano teaches a gaming environment that is defined by a plurality of surface elements (Fig. 4A).

In regard to claims 26, 31, and 97, Itkis teaches that one of the games can be slots (claim 1).

In regard to claim 36, Itkis teaches providing a game menu (Fig. 5).

In regard to claim 37, Nakano teaches a multiple perspective view (Fig. 6b).

In regard to claims 38-39, Nakano teaches an animated surface texture where the animation is a movie (Fig. 5).

In regard to claims 40-41 and 95-96, Itkis teaches that any number of games can be chosen, allowing for multiple hands of card games (2:12-16). While Itkis in view of Nakano do not specifically teach a certain number of card games, it is considered well within the capabilities of one of ordinary skill in the art to duplicate that which is known. In this instance creating 1-N

Art Unit: 3713

number of card hands would have been obvious to duplicate.

In regard to claim 42, Nakano teaches providing two separate images from a 3-D environment, such as the video file player and a video CD player (Fig. 4a). Nakano then represents them in a single 2-D image (Fig. 5).

In regard to claim 43, Itkis in view of Nakano teaches the gaming system as described above, which would require storing the 2-D images in a memory device on the game machine.

In regard to claim 45, Itkis in view of Nakano teach the limitations as described above, but does not teach morphing images into each other. However, morphing two images is considered notoriously well known in the art of computer graphics, thus obvious to include in Itkis in view of Nakano for the purposes of object transitions.

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itkis in view of Nakano as applied to claims 1-7, 17-18, 20-21, 25-26, 31-43, 45, 91-92, 94-98, and 100 above, and further in view of US Patent No. 5,941,722 to Paige. Itkis in view of Nakano teaches the limitations as discussed above, but does not teach rendering an advertising and promotional feature. Paige teaches a computerized gambling game that uses a promotional feature, advertising (Abstract), which would include providing casino information. One would be motivated to modify Itkis in view of Nakano to use the promotional and advertising feature, as it is considered well within the capabilities of one of ordinary skill to use additional game attraction or promotion feature to draw more players to the game machine. Successful promotion or advertising would allow a game owner to increase revenues by increasing game play and advertising revenue. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made modify Itkis in view of Nakano to use the promotion or

Art Unit: 3713

advertising feature taught by Paige to increase game revenue.

Claims 11, 44, 99, and 101 are rejected under 35 U.S.C. 103(a) as being unpatentable Itkis in view of Nakano as applied to claims 1-7, 17-18, 20-21, 25-26, 31-43, 45, 91-92, 94-98, and 100 above, and further in view of US Patent No. 6,050,895 to Luciano, Jr. et al. ("Luciano"). Itkis in view of Nakano teaches the limitations as discussed above, but does not teach rendering a bonus game. Luciano teaches providing players with a bonus game after the occurrence of predetermined or predefined events (Abstract). One would be motivated to modify Itkis in view of Nakano to use the bonus game feature taught by Luciano as it is notoriously well known for gambling games to use the features of a bonus game for providing more exciting game play. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Itkis in view of Nakano to use the network bonus games as taught by Luciano to provide more exciting games to users.

In regard to claim 44, Luciano teaches storing a history of the game play to reassure a user that proper prizes were awarded (11:34-38).

Claims 12-16, 29, and 93 are rejected under 35 U.S.C. 103(a) as being unpatentable Itkis in view of Nakano as applied to claims 1-7, 17-18, 20-21, 25-26, 31-43, 45, 91-92, 94-98, and 100 above, and further in view of US Patent No. 5,621,906 to O'Neill et al. ("O'Neill"). Itkis in view of Nakano teaches the limitations as discussed above, but does not teach rendering various changes to the display screen. O'Neill teaches a 3-D object position and rate of movement can change based upon time (Fig. 4), and since the display is based upon date, the change is continuous. O'Neill also teaches receiving user input that would change the position of 3-D objects including enlargement of the objects (Fig. 4). Itkis in view of Nakano and O'Neill are

Art Unit: 3713

related through the use of a 3 -D graphical interface that allows a better portrayal of information that was traditionally displayed in 2-D. One would be motivated to modify Itkis in view of Nakano to use the time varying display movement taught by O'Neill so that large amounts of information can quickly be displayed, especially information that has a time dependent nature. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Itkis in view of Nakano to use the time variable display feature so that time dependent information can be quickly disseminated to players.

Claims 19, 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable Itkis in view of Nakano as applied to claims 1-7, 17-18, 20-21, 25-26, 31-43, 45, 91-92, 94-98, and 100 above, and further in view of US Patent No. 4,572,509 to Sitrick. In regard to claims 19 and 22, Itkis in view of Nakano teaches the limitations as discussed above, but does not teach rendering an image on a first and second game device. Sitrick teaches multiple different ways to render a game to users, including rendering a single display game over two or more displays for the purpose of providing a large total global game display and repeating a display on multiple game machines (4:1-8). One would be motivated to modify Itkis in view of Nakano to use the different display embodiments so that the user is provided with an added dimension of excitement and realism during game play (4:26-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Itkis in view of Nakano to use the multiple display over multiple game machines as taught by Sitrick to provide an added dimension of excitement to game play.

In regard to claims 23, Sitrick teaches the above game display can be configured as multi-user game system (3:55-67).



Art Unit: 3713

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable Itkis in view of Nakano in view of Sitrick as applied to claims 1-7, 17-19, 20-23, 25-26, 31-43, 45, 91-92, 94-98, and 100 above, and further in view of Luciano.

In regard to claim 24, Itkis in view of Nakano further in view of Sitrick teaches the limitations as discussed above, but does not teach players in a multi-user game sharing a bonus game. Luciano teaches the bonus game method as described above and additionally teaches that players can be engaged in bonus game sharing, while competing with each other (11:57-67). One would be motivated to modify Itkis in view of Nakano in view of Sitrick to add the bonus games as taught by Luciano, as adding bonus games is well known in the gaming art for providing more exciting game play to users. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Itkis in view of Nakano in view of Sitrick to use the network bonus games as taught by Luciano to provide more exciting games to users.

Claims 27-28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable Itkis in view of Nakano as applied to claims 1-7, 17-18, 20-21, 25-26, 31-43, 45, 91-92, 94-98, and 100 above, and further in view of US Patent No. 6,508,709 to Karmarkar. Itkis in view of Nakano teaches the limitations as discussed above, but does not teach a model of a gaming machine, a casino, or a person. Karmarkar teaches providing a virtual casino gaming environment for the purpose of ease of play, excitement of live participation, and remote game participation (2:1-11). Karmarkar also teaches providing a 3-D view of a casino environment, which would include a gaming machine, a casino, and a person (20:18-37). One would be motivated to modify Itkis in view of Nakano to use the 3-D objects used in Karmarkar as these are well known objects found in casino environment, as well as enhancing a remote player's appeal (Karmarkar, 20:35-37).

Art Unit: 3713

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Itkis in view of Nakano to use the 3-D objects for enhanced player appeal.

***Response to Arguments***

Applicant's arguments filed 9/16/03 have been fully considered but they are not persuasive.

Applicant's contends that Itkis in view of Nakano does not teach "rendering one or more two-dimensional images derived from a three-dimensional object in a three-dimensional gaming environment stored in the memory device on the gaming machine." For support Applicant cites a guide on learning OpenGL to define rendering to show that a 3-D display in Nakano is not the same as Applicant's 3-D display. Applicant's claims do not support such a narrow view of primitives in a 3-D environment to produce 2-D images. As such, Applicant's arguments are not considered commensurate in scope with pending claims. Examiner also disagrees with Applicant assessment of rendering in that Applicant's position of rendering is too narrow in terms of computer graphics processing. Applicant cites an instance of the OpenGL implementation for 3-D modeling, wherein primitives define points used to render 2-D images from 3-D images. The broader definition as accepted in the computer arts has "render" defined as "To produce a graphic image from a data file on an output device such as a video display or printer" or the process of "rendering" images defined as "creation of an image containing geometric models... to give an image a realistic look..." (Computer Dictionary, Third Edition). Furthermore, Applicant is attempting to distinguish the invention on subject matter that is well known in the art of computer graphic processing that is also supported by Applicant's own specification (Specification: 0077).

Art Unit: 3713

Applicant's entire argument is based on an interpretation that Applicants rendering is different from the prior art of record. No adequate evidence has been shown to support this assessment and Nakano clearly shows a 2-D image (Fig. 9, ref. 112) rendered from a 3-D image (Fig. 6B, ref 112). Nakano even teaches rendering a 3-D image into a 2-D image (4:17-20). Even if adequate evidence could be presented to show a difference in rendering techniques, the methods used were considered well known to one of ordinary skill in the art at the time of the invention.

Examiner would also like to point out that the 3-D interface taught by Applicant appears to offer no difference from the 3-D interface taught by Nakano. Although the contents of the images differ, Nakano clearly shows that any number of different content screens can be displayed on the various 3-D walls and then rendered in 2-D. As such, one of ordinary skill at the time of the invention would have seen that multiple games could be displayed to a player, various content such as bonus games/promotion/advertising were known to be displayed on game machines, and finally that 3-D to 2-D interfaces for various computing tasks were known at the time of the invention. Nakano provided the necessary motivation to piece together existing game and interface information, wherein using a 3-D/2-D interface allows using more viewing content without detriment to a user's visual perception (Nakano 1:30-2:16). Applicant disagrees with this motivation, stating that Nakano contradicts Examiner's reasons for motivation. Applicant believes that Nakano only teaches that more information is crammed into the interface by shrinking all graphical images. This is not the case and is only discussed by Nakano to provide a reason for a more suitable interface using 3-D and 2-D interfaces. Examiner points Applicant to read beyond the Background of the Invention because Applicant appears to only have read

Art Unit: 3713

Nakano to point of describing what Nakano has set forth to prevent. That is, Nakano describes that only shrinking images on a screen to fit more simultaneous available information is ineffective (1:43-63). Nakano actually teaches that his invention is way to view information without problems associated with increased visual information on a single 2-D interface (1:65-18:33 and all Figures).

### *Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron L Enatsky whose telephone number is 703-305-3525. The examiner can normally be reached on 8-6 M-Th.

Art Unit: 3713

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on 703-308-1327. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Aaron Enatsky  
12/11/03

  
Teresa Walberg  
Supervisory Patent Examiner  
Group 3700